

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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CHARLES RAY HICKS,  
Petitioner,

v.

JOHN E. WETZEL, Secretary,  
Pennsylvania Department of Corrections;  
ROBERT GILMORE, Superintendent of  
the State Correctional Institution at Greene;  
and MARK GARMAN, Superintendent of  
the State Correctional Institution at  
Rockview,  
Respondents.

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No. 1:17-CV-1969

(Chief Judge Conner)

THIS IS A CAPITAL CASE

**STATEMENT OF NONCONCURRENCE**

AND NOW comes Charles Ray Hicks, through counsel, and, pursuant to Rule 7.1 of the Local Rules of the United States District Court for the Middle District of Pennsylvania, respectfully certifies that counsel has this date contacted District Attorney Christine, counsel for Respondents, and Abby Trovinger, Assistant Counsel for the Department of Corrections, via electronic mail seeking concurrence in this motion. Attorney Trovinger indicated that the Department of Corrections does not concur in this motion. Attorney Christine has not yet responded. Once Attorney Christine does, Petitioner will file an amended concurrence statement.

Respectfully submitted,

s/Kelly D. Miller

KELLY D. MILLER, ESQUIRE

Asst. Federal Public Defender

Federal Public Defender for the  
Middle District of Pennsylvania

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Dated: February 4, 2019

**CERTIFICATE OF SERVICE**

I, Kelly D. Miller, hereby certify that on this date I caused the foregoing document to be served on the following person at the location and in the manner indicated below, which satisfies the requirements of the Federal Rules of Civil Procedure:

**VIA FIRST CLASS MAIL**

E. David Christine, Jr.  
District Attorney  
Monroe County District Attorney's Office  
610 Monroe Street, Suite 126  
Stroudsburg, PA 18360

**VIA ECF**

Abby N. Trovinger  
Assistant Counsel  
Department of Corrections, Office of Chief Counsel  
1920 Technology Parkway  
Mechanicsburg, PA 17050  
atrovinger@pa.gov

/s/ KELLY D. MILLER  
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Dated: February 4, 2019